THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.24062 OF 1999

DATED: 17-04-2007

Between:-

Kaliki Bakthavachalu Reddy

.. Petitioner

and

The District Collector, Nellore District and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.24062 OF 1999

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in proposing to grant pattas to the third parties in respect of the land in an extent of Acres 4-54 cents situated in Sy.Nos.466, 463/2, 464, 465 and 483, without passing any orders on the recommendations made by the Mandal Revenue Inspector, Bhogole and Village Administrative Officer, Mungamuru, either for grant of lease or sale of the said land to the petitioner, as arbitrary and illegal.

The brief facts of the case are that since times immemorial, the petitioner's family was in possession of dry land in an extent of Acres 13-24 cents in Sy.Nos.461, 462, 463, 466, 463/2, 464, 465 and 483 situated at Mungamuru village, Bhogole Mandal of Nellore District. After the death of the petitioner's father in the year 1998, the petitioner commenced conversion of the said lands into fish ponds. While the said conversion was in the final stage, the Revenue officials informed the petitioner that the land in an extent of Acres 4-54 cents out of the total extent of Acres 13-24 cents is Government land classified as 'Annadeenam'. Immediately, the petitioner made enquiries and came to know that the said extent of Acres 4-54 cents is situated in different parts of Sy.Nos.466, 463/2, 464, 465 and 483. Since he made huge investments for conversion of the said land into fish ponds, he made an application to the Mandal Revenue Officer requesting him to grant patta for the said land on payment of market value or to grant lease. On such application, the Mandal Revenue Officer directed the Mandal Revenue Inspector to conduct an enquiry and submit a report, who, in turn, directed the Village Administrative Officer, Mungamuru to conduct an enquiry and submit a report. Consequently, the Village Administrative Officer published a notice in

the village calling for objections, if any, for alienation of the said land in favour of the petitioner on payment of market value or for lease. Since no objections were received from any corner and since the Gram Panchayat passed a resolution stating that it has no objection for the same, the Village Administrative Officer, Mungamuru submitted a report to the Mandal Revenue Inspector recommending for alienation of the said land in favour of the petitioner on payment of market value or for grant of lease. Basing on the said report, the Mandal Revenue Inspector also recommended for the same. The petitioner complains that though the said reports were submitted in the month of June 1999, still the Mandal Revenue Officer has not passed any orders on the said recommendations. The petitioner further alleges that, surprisingly, he received a notice, dated 15.11.1999, informing that in spite of the notices issued to him earlier stating that he cannot cultivate the land in question, he has been trying to cultivate the same and, if he tries to cultivate the same, necessary action will be initiated. It is the grievance of the petitioner that the respondents are going to grant pattas in favour of third parties, without passing any orders on the recommendations made by the Mandal Revenue Inspector and Village Administrative Officer for grant of lease or for alienation of the land in question in his favour, and, if the same is done, he would suffer irreparable loss.

Despite the fact that notices are served on the respondents, the respondents have not chosen to file any counter.

This Court, at the time of issuing rule nisi on 19.11.1999, while directing the respondents to maintain status quo with regard to the possession of the land in question, observed that the said order will not preclude the respondents from considering the application of the petitioner for assignment of the land on payment of market value.

Having regard to the said observation, this Court is of the view that the authorities might have passed an order by now. However, if no order is yet passed, the authorities are hereby directed to consider the representation made by the petitioner and also the recommendations made by the Mandal Revenue Inspector and the Village Administrative Officer and pass appropriate orders.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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GOPALA KRISHNA TAMADA, J

17th April, 2007
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